

16. (Amended) An isolated polynucleotide, which comprises at least 23 consecutive nucleotides of the polynucleotide of Claim 11.

17. (Amended) An isolated polynucleotide, which hybridizes under stringent conditions to the polynucleotide of Claim 11 or the complement thereof; wherein said stringent conditions comprise washing in 5X SSC at a temperature from 50 to 68°C.--

Please add the following claims.

--38. (New) A process for producing an L-amino acid, comprising culturing the host cell of Claim 4 in a medium suitable for producing the L-amino acid.

39. (New) The process of Claim 38, wherein said host cell is a *Coryneform* bacterium or *Brevibacterium*.

40. (New) The process of Claim 39, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, *Brevibacterium flavum*, *Brevibacterium lactofermentum*, and *Brevibacterium divaricatum*.

41. (New) The process of Claim 38, wherein the L-amino acid is L-lysine.

42. (New) The process of Claim 38, further comprising isolating the L-amino acid.

43. (New) A process for producing an L-amino acid, comprising culturing the host cell of Claim 20 in a medium suitable for producing the L-amino acid.

44. (New) The process of Claim 43, wherein said host cell is a *Coryneform* bacterium or *Brevibacterium*.

45. (New) The process of Claim 44, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium*

*thermoaminogenes, Brevibacterium flavum, Brevibacterium lactofermentum, and Brevibacterium divaricatum.*

46. (New) The process of Claim 43, wherein the L-amino acid is L-lysine.

47. (New) The process of Claim 43, further comprising isolating the L-amino acid.

48. (New) An isolated polynucleotide, comprising at least 23 consecutive nucleotides of SEQ ID NO: 2, having the function of a primer in a polymerase chain reaction to prepare or amplify a polynucleotide encoding a protein/polypeptide having the activity of the RodA cell division protein.

49. (New) An isolated polynucleotide comprising at least 23 consecutive nucleotides of SEQ ID NO: 2 or the complement thereof, having the function of a probe in a hybridization reaction to isolate, detect, or determine a polynucleotide encoding a protein/polypeptide having the activity of the RodA cell division protein.--

#### SUPPORT FOR THE AMENDMENTS

Claims 1 and 11 have been amended to incorporate the subject matter of Claim 2, now canceled. The amendment to Claim 16 is supported by the specification at page 7, line 4. Claim 17 has been amended to additionally recite the complement of the polynucleotide of Claim 11. Newly added Claims 38-47 are supported by the specification at pages 2-29 and the claims as originally filed. Newly added Claim 48 is supported by the specification at page 6, line 24 to page 7, line 4. Newly added Claim 49 is supported by the specification at page 6, lines 13-17. No new matter is believed to have been added to this application by these amendments.